

REMARKS

This Response, submitted in reply to the Office Action dated December 24, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-28 are all the claims pending in the application.

I. Rejection of claims 1, 3-6, 8-11, 13, 17-19, 21, and 25-28 under 35 U.S.C. § 103

Claims 1, 3-6, 8-11, 13, 17-19, 21, and 25-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. (USP 184, 421 B1) in view of Flammer, III (US 5,488,608) and further in view of Engel et al. (US 6,115,393).

Claim 1

Applicant traverses the rejection for at least the reasons discussed herein and reconsideration is respectfully requested.

Claim 1 recites, *inter alia*:

a comparing unit which compares a first relay node sequence number with a second relay node sequence number, the first relay node sequence number being contained in a management packet transmitted from a predetermined neighboring node received by at least one node transmitting the data packet to the predetermined neighboring node, the second relay node sequence number being stored in a neighbor table of the at least one node

The Examiner asserts that Engle Fig. 12, and column 23, line 67 and column 24, lines 1-11 teach the above aspects of claim 1. See pages 13 and 14 of the Office Action.

However, contrary to the Examiner's assertions, Engel does not teach at least the above elements of claim 1. As recited in claim 1, the first relay node sequence number is contained in the management packet transmitted from a predetermined neighboring node. However, the aspect of Engel cited by the Examiner only discloses that the current sequence number is provided by the real time parser (RTP). Therefore, Engel does not teach or suggest "the first relay node sequence number being contained in a management packet transmitted from a predetermined neighboring node," as recited in claim 1.

Further, the aspect of Engel cited by the Examiner is directed to a Routine 250 **checking whether the same initiator node has sent data twice** by comparing the current sequence number of the packet as provided by the RTP with the sequence number of data packet that were previously sent as reported in the history table. However, Engel does not teach or suggest **determining whether or not the data packet is retransmitted** to the predetermined neighboring node according to a result of comparing the first relay node sequence number with the second relay node sequence number.

For at least the above reasons, Engel does not teach the claimed elements. Further, Liu and Flammer, III do not cure deficiencies of Engel. Accordingly, Applicant respectfully submits that claim 1 should allowable because Liu, Flammer, III and Engel, alone or in combination, do not teach or suggest all the elements of independent claim 1.

Further, Applicant respectfully submits that to the extent independent claims 6, 11 and 19 recite subject matter similar to claim 1, independent claims 6, 11 and 19 and their dependent claims should be allowable for at least the same reasons.

Applicant respectfully submits that dependent claims 2-5, 7-10, 12-18, and 20-28 are also patentable at least by virtue of their respective dependency on independent claims 1, 6, 11, and 19, for at least the reasons set forth above.

II. Rejection of claims 2, 7, 12 and 20 under 35 U.S.C. § 103

Claims 2, 7, 12 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. (USP 184,421 B1) in view of Flammer, III (US 5,488,608) and further in view of Engel et al. (US 6,115,393) as applied to claims 1, 6, 11 and 19 above, and further in view of Ogier (US 7,031,288 B2).

Claims 2, 7, 12 and 20 should be deemed allowable by virtue of their dependency to independent claims 1, 6, 11 and 19 for at least the reasons set forth above. Moreover, Ogier does not cure the deficiencies of Liu, Flammer, III, and Engel.

III. Rejection of claims 14-16 and 22-24 under 35 U.S.C. § 103

Claims 14-16 and 22-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu et al. (USP 184,421 B1) in view of Flammer, III (US 5,488,608) and further in view of Engel et al. (US 6,115,393) as applied to claims 11, 15, 19 and 23 above, and further in view of Riihinen et al. (USP 6,697,331 B1) and Zhu et al. (USP 5,768,527).

Claims 14-16 and 22-24 should be deemed allowable by virtue of their dependency to independent claims 11 and 19 for at least the reasons set forth above. Moreover, Riihinen and Zhu do not cure the deficiencies of Liu, Flammer, III, and Engel.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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